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022504
U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

22553 U.S.PTO
10/787057



022504

In re Application of: Gregory H. Lambrecht et al.
Serial No.: 09/700,167
Filing Date: 11/09/2000
Title: CARDIAC VALVE PROCEDURE METHODS AND
DEVICES
Group Art Unit: 3738
Examiner: David J. Isabella
Attorney's Docket No.: VIA-3

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

"EXPRESS MAIL" MAILING LABEL NUMBER ER492944897US

DATE OF DEPOSIT February 25, 2004

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

James A. Sheridan

(PERSON MAILING)

James A. Sheridan 2/25/04
(SIGNATURE)

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Respectfully submitted,

James A. Sheridan 2/25/04
James A. Sheridan
Registration No. 43,114
Pandiscio & Pandiscio
470 Totten Pond Road
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Tel. (781) 290-0060

The PTO did not receive the following listed item(s) REFERENCE LISTED UNDER
IDS

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022504

U.S.P.T.O.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Case Docket No.: VIA-3 CON

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Gregory H. Lambrecht et al.
For: CARDIAC VALVE PROCEDURE METHODS AND DEVICES

Enclosed are:

- 20 sheets of drawings.
 An assignment of the invention to: _____
 A verified statement to establish small entity status.
 REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

For:	No. Filed	No. Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
Basic Fee				\$385.00		\$770.00
Total Claims	49 - 20	29	x \$ 9.00	261.00	x \$18.00	0.00
Ind. Claims	31 - 3	28	x \$43.00	1204.00	x \$ 86.00	84.00
Mult. Claims			+ \$145.00		+ \$290.00	
			Total	\$1850.00		

- Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$ _____ to cover the filing fee (and assignment recording fee) is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 CFR 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- Any patent application processing fees under 37 CFR 1.17.
 - The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
 - Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

James A. Sheridan 2/25/04

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Tel. (781) 290-0060

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IN RE REQUESTED FILING OF RULE 1.53(B)
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/700,167, filed 11/09/2000 by Gregory H. Lambrecht et al. for CARDIAC VALVE PROCEDURE METHODS AND DEVICES, which in turn claims priority to PCT Patent Application No. PCT/US00/02126, filed January 27, 2000 by Viacor Incorporated for CARDIAC VALVE PROCEDURE METHODS AND DEVICES, which in turn claims priority to (1) U.S. Provisional Patent Application No. 60/117,599, filed January 27, 1999, (2) U.S. Provisional Patent Application No. 60/152,135, filed August 25, 1999, and (3) U.S. Provisional Patent Application No. 60/161,934, filed October 28, 1999.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 09/700,167 (including specification, claims, drawings, a signed Declaration and Power of Attorney, Assignment, a VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS, a copy of the original PCT request, a copy of the International Search Report prepared by the U.S. Patent and Trademark Office, a Preliminary

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Amendment, and an Information Disclosure Statement) as originally filed;

2. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 09/700,167 is a complete and true copy;

3. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/700,167, filed 11/09/2000 by Gregory H. Lambrecht et al. for CARDIAC VALVE PROCEDURE METHODS AND DEVICES; and

4. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on February 25, 2004 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior applications Serial No. 09/700,167.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

James A. Sheridan 2/25/04

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